

SUBCOMMITTEE: SOL AND SOQ

SENATE BILL NO. 1303

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Senator Dunnavant)

A BILL to require each school board to offer certain methods of instruction for the duration of the 2021–2022 school year to students enrolled in the local school division; exceptions permitted.

Be it enacted by the General Assembly of Virginia:

1. § 1. Each school board shall offer, for the duration of the 2021–2022 school year, fully in-person instruction or a combination of in-person and remote virtual instruction to each student enrolled in the local school division in a public elementary and secondary school or a public school-based early childhood care and education program. For the purposes of this act, each school board shall (i) adopt, implement, and update, as it deems appropriate, a definition of and specific parameters for the provision of in-person instruction and (ii) provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable guiding principles, operational strategies, and mitigation strategies for early childhood care and education programs and elementary and secondary schools during the COVID-19 pandemic that have been provided by the federal Centers for Disease Control and Prevention.

§ 2. Prior to the start of the 2021–2022 school year, all teachers and school staff shall be offered access to receive an approved COVID-19 vaccination through their relevant local health district.

§ 3. Notwithstanding the provisions of § 1 of this act, any local school board may, for any period during which the Governor's declaration of a state of emergency due to the COVID-19 pandemic is in effect, provide fully remote virtual instruction to (i) any such enrolled student upon the request of such student's parent and (ii) each student enrolled in any such school or program in the event that the school board determines, in accordance with "Step 2: Determine the Level of School Impact" in the Department of Health's Interim Guidance to K–12 School Reopening or any similar provision in any successor

27 guidance document published by the Department of Health, that the transmission of COVID-19 within
28 the school building is at a high level.

29 § 4. Nothing in this act shall be construed to prohibit any teacher or other school staff member
30 who is permitted to perform any job function in a fully remote or virtual manner as a reasonable
31 accommodation pursuant to Title I of the Americans with Disabilities Act (42 U.S.C. § 12111 et seq.)
32 from continuing to perform any such job function in such a manner.

33 **2. That in order to facilitate the implementation of § 3 of the first enactment of this act, the**
34 **Department of Health shall maintain, for the duration of the period during which the Governor's**
35 **declaration of a state of emergency due to the COVID-19 pandemic is in effect, a guidance document**
36 **for K-12 school reopening that contains metrics for determining whether transmission of COVID-**
37 **19 within public school buildings is at a low, medium, or high level.**

38 **3. That the provisions of this act shall expire on August 1, 2022.**

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